

Indiana State Parks Alcohol Permit Review

Indiana State Parks intends to apply for three way alcohol permits for nine Indiana State Park properties. Based upon our experience in guest services coupled with comments from our guests, we believe these locations will be popular venues for events.

Below you will find the legislation authorizing Indiana State Parks to apply for such permits. While not required as part of the legislation, it is our intent to approach the Natural Resources Commission for this particular request and all future requests in an effort to allow input from the Commission and the general public.

Statutes and Rules:

IC 7.1-3-17.8

Chapter 17.8. State Park Liquor Permits

IC 7.1-3-17.8-1

Department of natural resources permits

Sec. 1. The department of natural resources may apply for a three-way permit for one (1) or more state parks. A three-way permit for a state park may be a single permit, even though more than one (1) area within the state park constitutes the licensed premises of the permit.

As added by P.L.214-2016, SEC.10.

IC 7.1-3-17.8-2

Permits exempt from certain requirements

Sec. 2. A permit issued under this chapter is not subject to:

- (1) IC 7.1-3-21-1; and
- (2) 905 IAC 1-27-4.

As added by P.L.214-2016, SEC.10.

IC 7.1-3-17.8-3

State park areas not prohibited from price discrimination

Sec. 3. Separate areas within a state park are not subject to IC 7.1-5-5-7.

As added by P.L.214-2016, SEC.10.

IC 7.1-3-17.8-4

Exemption from notice and quota requirements

Sec. 4. Upon application, the commission shall issue a permit to the department of natural resources for a state park without:

- (1) publication of notice or investigation before a local board; and
- (2) regard to the quota provisions of IC 7.1-3-22.

As added by P.L.214-2016, SEC.10.

IC 7.1-3-17.8-5

Laws regarding alcoholic beverages, e-liquids, and tobacco apply to entity operating on state park property

Sec. 5. Except as provided in sections 2 and 3 of this chapter, an entity that operates on state park property under a permit issued by the commission to:

- (1) the department of natural resources under this chapter; or
- (2) the entity under this article;

shall operate within the park property in accordance with the provisions of this title that regulate the sale and use of alcoholic beverages, e-liquid (as defined in IC 7.1-7-2-10), and tobacco products (as defined in IC 7.1-6-1-3).

As added by P.L.214-2016, SEC.10.

IC 7.1-4-4.1-9

Biennial permits; annual permit fees

Sec. 9. (a) This section applies to the following biennial permits:

- (1) Beer retailer's permit.
- (2) Liquor retailer's permit.
- (3) Wine retailer's permit.
- (4) One-way permit.
- (5) Two-way permit.
- (6) Three-way permit.
- (7) Airplane beer permit.
- (8) Airplane liquor permit.
- (9) Airplane wine permit.
- (10) Boat beer permit.
- (11) Boat liquor permit.
- (12) Boat wine permit.
- (13) Dining car beer permit.
- (14) Dining car liquor permit.
- (15) Dining car wine permit.
- (16) Hotel seasonal permit.

(b) The commission shall charge a single fee for the issuance of any combination of retailer's permits issued for the same location or conveyance.

(c) Except as provided in subsection (d), an annual permit fee in the following amount is imposed on a retailer:

- (1) Five hundred dollars (\$500), if the retailer serves only beer or only wine.
- (2) Seven hundred fifty dollars (\$750), if the retailer serves both beer and wine but no liquor.
- (3) One thousand dollars (\$1,000), if the retailer serves beer, wine, and liquor.

(d) An annual permit fee for a three-way permit issued to a state park under IC 7.1-3-17.8-1 is two hundred fifty dollars (\$250).

As added by P.L.204-2001, SEC.43. Amended by P.L.224-2005, SEC.21; P.L.214-2016, SEC.30.

Restrictions:

312 IAC 8-2-5 Alcoholic beverages

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-18-2-3

Sec. 5. A person must not possess or consume an alcoholic beverage at any of the following locations:

(1) Subject to subsection (4), Indiana Dunes State Park except: on the licensed premises of a pavilion authorized by

- (A) A location identified in a permit issued pursuant to IC 7.1-3-17.8; or
- (B) A location designated in a lease and contract authorized under IC 14-18-2-3.
- (2) Redbird State Recreation Area.
- (3) Interlake State Recreation Area.
- (4) A swimming beach or pool.**
- (5) A shooting range.
- (6) A designated youth tent area.

17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA; errata filed Oct 6, 2011, 2:38 p.m.: 20111019-IR-312110588ACA; filed Feb 11, 2014, 3:12 p.m.: 20140312-IR-312130294FRA)

IC 14-18-2-3

Contents of leases and contracts

Sec. 3. (a) As used in this section, "inn" means a public facility that has the following:

- (1) At least twenty (20) rooms for the accommodation of overnight guests.

(2) A dining room that offers table service for at least forty (40) individuals at one (1) time during normal dining hours.

(b) A lease and contract authorized by this chapter must include in its terms the following provisions and conditions:

- (1) The legal description of the leasehold. A survey for the description is not required.
- (2) The term of the lease. The term may not exceed forty (40) years with two (2) additional options to renew of thirty (30) years each.
- (3) Provision for the submission of complete plans and specifications to the department for review and written approval before beginning any construction.
- (4) The manner of payment of rental.
- (5) The facilities provided will be available to the public without discrimination and at charges designed to make the facilities available to a maximum number of the citizens of Indiana.
- (6) That the rates and fees charged for goods and services on the leased area will be in accord with those charged at similar developments in the area.
- (7) The disposition of the leasehold and improvements at the termination of the lease.
- (8) Except as provided in subsections (c) and (e), if the lease and contract concerns state owned land under the management and control of the department, including state parks, a prohibition on the sale or public display of alcoholic beverages on the premises.

(c) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of an inn if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(d) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a public golf course if:

- (1) the lease and contract concerns federally owned land that is:
 - (A) under the control and management of the department;
 - and
 - (B) located on Brookville Reservoir; and
- (2) the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(e) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of:

- (1) a pavilion located within Indiana Dunes State Park, and within one hundred (100) feet of the pavilion and the pavilion parking lot; or
- (2) a marina located:
 - (A) within the Newton-Stewart State Recreational Area; and
 - (B) within Orange County;

if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(f) The retail sale of alcoholic beverages on licensed premises described in subsections (c), (d), and (e) is subject to any other applicable alcoholic beverage provisions under the Indiana Code and any rule adopted to implement any other applicable alcoholic beverage provisions under the Indiana Code.

(g) A lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter.

As added by P.L.1-1995, SEC.11. Amended by P.L.71-2012, SEC.10; P.L.70-2014, SEC.6; P.L.121-2015, SEC.3; P.L.196-2015, SEC.23.

Notes

According to statute, while alcohol is allowed at the golf course on Brookville Reservoir and at the marina at Newton –Stewart SRA, the DNR is not applying for permits at those two locations since they are on reservoir properties and not state park properties. Additionally, alcohol will continue to be prohibited on all beaches and inside the fenced area of all swimming pools.

Legislation was passed to allow alcohol in the pavilion at Indiana Dunes State Park. The legislation allows alcohol within 100 feet of the pavilion premises as legally defined in the lease. This extension is primarily to accommodate one-day, off-season events such as a wine-tasting that might be planned for a tent set up in the parking lot within 100 feet of the leased premises. Pavilion Partners, LLC is required to obtain a special events permit from the DNR for any event of this nature outside the pavilion, and approval is not guaranteed. While the legislation allows alcohol to be served within 100 feet of the pavilion and the pavilion parking lot, our intent is to only approve requests that are within 100 feet of the leased premises and, of course, never on the beach.

Locations

Brown County State Park
McCormick's Creek State Park
Clifty Falls State Park
Fort Harrison State Park
Spring Mill State Park
Turkey Run State Park
Pokagon State Park /Trine SRA
Falls of the Ohio State Park
Indiana Dunes State Park